

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RICK ALAN DAVIDSON,

Debtor.

Chapter 11

Case No. 19-11486 (SMB)

JEFFERIES, LLC and
JEFFERIES GROUP, LLC,
Plaintiffs,

v.

RICK ALAN DAVIDSON,

Defendant.

Adversary Proceeding No. 19-1395 (SMB)

CASE MANAGEMENT AND SCHEDULING ORDER

This Case Management and Scheduling Order is entered by the Court, following a Scheduling Conference held on January 20, 2019, in accordance with Fed. R. Civ. P. 16(b) and 26(f), made applicable to adversary proceedings pursuant to Fed. R. Bankr. P. 7016 and 7026. Nothing herein is intended to conflict with Chambers' Rules, and to the extent any provision herein is inconsistent therewith, Chambers' Rules govern.

1. Amendment of Pleadings and Joinder of Parties. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within thirty (30) days from the date of this Order.

2. Initial Disclosures. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed not later than thirty (30) days from the date of this Order.

3. Fact Discovery: All fact discovery shall be completed no later than one hundred eighty (180) days from the date of this Order (the "Fact Discovery Deadline").

4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure (the “Civil Rules”), Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Rules of the Bankruptcy Court for the Southern District of New York (“Local Bankruptcy Rules”).

5. Expert discovery

a. All expert discovery shall be completed no later than sixty (60) days after the Fact Discovery Deadline.

b. No later than sixty (60) days prior to the Fact Discovery Deadline, the parties shall identify any experts they intend to call at trial. No later than thirty (30) days prior to the Fact Discovery Deadline, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) Plaintiffs’ expert report(s) shall be due before those of Defendant’s expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 5(a).

6. Motions

a. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements. Pursuant to the authority provided by Fed. R. Civ. P. 16(b)(2), a motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto (*see* Local Bankruptcy Rule 7056-1) is made in writing within fourteen (14) days after the close of fact discovery (*see* paragraph 3 hereof).

b. Motion papers shall be filed promptly after service. Affidavits and exhibits to motion papers shall be clearly identified by tabs on both the original and courtesy copies.

Exhibits shall be marked sequentially such that no exhibit number or letter repeats, regardless of the affidavit to which it is attached. Exhibits for plaintiffs should be marked by numbers; exhibits for defendants should be marked by letters.

c. Courtesy copies of all motions papers shall be delivered in accordance with Local Rule 9070-1.

d. The form and content of briefs should comply with Chambers' Rules. In addition, all memoranda shall be double-spaced, 12-point font, with 1" margins. Memoranda of 10 pages or more shall contain a table of contents and a table of authorities.

e. Prior to filing a motion, counsel for the moving party shall contact my Courtroom Deputy, Ms. Chantel Barrett, to obtain a hearing date for the motion.

7. Counsel shall submit a proposed Joint Pretrial Conference Order at least seven (7) days before the **final pre-trial conference** ~~trial date~~ unless this Court orders otherwise. The proposed form of Joint Pretrial Conference Order may be found on the Court's website. [SMB: 2/5/20]

8. In the event of any discovery dispute in this action, counsel shall first meet and confer in an effort to resolve the dispute. If counsel are unable to resolve the dispute, counsel for any party seeking assistance from the Court shall, before filing any discovery motion, arrange a conference call with the Court with all counsel involved in the dispute. The Court will endeavor to resolve the dispute without the filing of any discovery motions.

9. The Final Pretrial Conference **will be** ~~is~~ scheduled ~~for~~ **by the Court**. [SMB: 2/5/20]

10. This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline

established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

Dated: February 5th, 2020
New York, New York

/s/ STUART M. BERNSTEIN
Honorable Stuart M. Bernstein
United States Bankruptcy Judge